

**REMARKS:**

Applicant thanks Examiner Sorkin for his time and consideration of the present application during the personal interview of November 10, 2011 with Mr. Bernard Pouchucq, Applicant's European Representative, and the undersigned.

During the interview the differences between the BIRDSEYE apparatus and the claimed invention were discussed, e.g., the inclined conveyors and temperatures achieved in the chambers.

This application has been amended to address formality issued raised in both the outstanding Office Action and the interview, e.g., identify the claimed features in the drawings, and to emphasize the unique features of the claimed invention.

**Status of the Claims**

Claim 5 has been amended in view of Figure 1, page 8, lines 20-24, page 9, lines 14-30, and original claim 7 (for inclined conveyors).

Claim 7 has been amended for clarity and to direct the claim to inclined conveyors and transfer screens, as horizontal conveyors are introduced in claim 15.

Claim 9 has been amended in a manner consistent with page 10, lines 13-18.

Claim 15 is new, and recites the horizontal conveyors previously recited in claim 7.

Claim 16 is new and is based on the original claims, Figure and page 9, lines 1-6.

Claims 5, 7, 9, 15 and 16 remain in this application.

### **Drawings**

The drawings were objected to under 37 CFR 1.83(a) for not showing 1) means for evacuating gaseous effluents from the first chamber, 2) means for evacuating gaseous effluents from the second chamber, and 3) means for agglutinating the heated worn road coatings disposed at the outlet of the first chamber.

These features are now shown as 13, 13' (in light of the descriptions at page 9, lines 19-23) and 17 (in light of the description on page 9, lines 26-30), respectively, and, thus, withdrawal of the objection is respectfully requested.

Moreover, the inlets 11 and 11' and the outlets 15 and 15' have also been indicated in the Figure.

Corresponding changes to the specification (see AMENDMENTS TO THE SPECIFICATION) have been made in view of the new labels in the Figure.

No matter has been introduced by these amendments.

### **Claim Rejections-35 USC §112**

Claims 5, 7 and 9 were rejected under 35 U.S.C. §112, second paragraph, for being indefinite. This rejection is respectfully traversed for the reasons below.

Claim 5 was rejected for reciting a second chamber which is "arranged to cause the worn road coatings from said first chamber to reach a second temperature ..." because it was unclear of the relationship between the first and second chamber. Claim 5 has been amended to clarify that the worn road coatings discharged from the first chamber outlet are introduced into the second enclosed chamber inlet, e.g. as explained in describing the process on page 9, lines 14-30.

Claim 5 was also rejected as it was unclear whether the means for transferring invokes the provisions of 112, sixth paragraph. The claim has been amended to invoke the provisions of 112, sixth paragraph.

Claim 5 was further rejected with respect to the "means for evacuating gaseous effluents from" the first and second chambers and "means for agglutinating the heated worn road coatings" because no structure was allegedly disclosed in the specification. However, a structure has been disclosed, i.e. item 13 and 13' for the means for evacuating gaseous effluents and item 17 for the means for agglutinating. The claim does invoke the provisions of 112, sixth paragraph for this feature.

Claim 7 was rejected for "means for vibrating", as only one structural example was provided (eccentric motors). However, other structures would have been known to one of skill in art based on the required function described on page 8, lines 7-15.

Claim 9 was rejected for reciting "composition catalysts" and "means for treating gaseous effluents". These features are amended in a manner consistent with specification page 10, lines 13-18, and, thus claim 9 is definite.

Therefore, the claims are definite, and withdrawal of the rejection is respectfully requested.

**Claim Rejections-35 USC §102**

Claims 5, 7 and 9 were rejected under 35 U.S.C. §102(b) as being anticipated by BIRDSEYE 2,419,876. This rejection is respectfully traversed for the reasons that follow.

BIRDSEYE does not comprise a means for transferring comprising inclined conveyors or inclined transfer screens to convey material from the inlet at an upper portion to the outlet in a lower portion.

Instead, in Figure 1, BIRDSEYE utilizes horizontal conveyor belts and a horizontal screw at the bottom of the structure.

While in Figure 10 BIRDSEYE suggests an incline in the conveyor belt, this is not for transferring from an inlet at an upper portion and an outlet at lower portion. That is, Figure 10 suggests an inlet at a lower portion and an outlet at an upper portion, i.e. in a "forward and upwardly inclined path" (Column 10, lines 3-23).

Indeed to even approach the claimed invention would have rendered the BIRDSEYE device unsatisfactory for its intended function of dehydrating. If one had used inclined conveyor belt from an inlet in upper portion to an outlet in a lower portion, the corn kernels, in the exemplified case of BIRDSEYE, would have rolled down the belt too quickly. Consequently, sufficient drying could not be achieved.

Therefore, none of claims 5, 7, 9, 15 and 16 are anticipated, and withdrawal of the rejection is respectfully requested.

#### **Conclusion**

In view of the amendment to the claims and the foregoing remarks, this application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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**APPENDIX:**

The Appendix includes the following item:

- a Replacement Sheet for Figure 1 of the drawings